

EXHIBIT

A

Ca:
11

Judge Code:

GENERAL INFORMATION

Election to Proceed under the Alabama Rules for Expedited Civil Actions: ☐ YES ☒ NO

DOCUMENT 2



ELECTRONICALLY FILED
9/3/2020 7:00 PM
11-CV-2020-900459.00
CIRCUIT COURT OF
CALHOUN COUNTY, ALABAMA
KIM MCCARSON, CLERK

IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA

DARRELL BICE

PLAINTIFF,

v.

CASE NO.: CV-2020-

UNITED PARCEL SERVICE, INC; Fictitious
Defendants "A" through "C" being the individuals,
General partnerships, Limited Partnerships, Limited
Liability companies, Corporations, or other legal
entities who owned operated or participated in the
management of the business responsible for making
the delivery to Plaintiff's property on or about the last
week of September, 2018; Fictitious Parties "D"
through "E" being the individuals General Partnerships,
Limited Partnerships, Limited Liability Companies,
Corporations, or other legal entities who employed the
Driver of the vehicle that made the delivery to
Plaintiff's property on or about the last week of
September, 2018; Fictitious Parties "F" through "H"
being the driver of the vehicle that
made the delivery to Plaintiff's property on or about
the last week of September, 2018

DEFENDANTS.

COMPLAINT

COMES NOW the Plaintiff, DARRELL BICE, and respectfully represents and shows unto
the Court as follows:

PARTIES

1. The Plaintiff, Darrell Bice, is over the age of nineteen years and is a resident/citizen of
Calhoun County, Alabama.

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2. The Defendant, United Parcel Service, is a foreign corporation authorized to conduct business in the State of Alabama and who was conducting business in Calhoun County, Alabama, on or about the last week of September, 2018 and at all times relevant to this Complaint.

COUNT I

NEGLIGENCE/WANTONNESS

3. At all times relevant to this complaint a house was being constructed for the Plaintiff, Darrell Bice, on property he owned at 980 Landers Rd, Jacksonville, Calhoun County, Alabama.

4. On or about the last week of September, 2018, a UPS vehicle arrived at Plaintiff's property located at 980 Landers Rd, Jacksonville, AL for the purpose of delivering eight to ten mahogany doors to the construction site referred to in Paragraph Three.

5. The vehicle making the delivery to Plaintiff's property on or about the last week of September, 2018 was driven by Fictitious Party "F" who was acting within the line and scope of his employment with United Parcel Service and/or Fictitious Parties "A" through "E".

6. At all times relevant to this Complaint, Fictitious Party "F" was an agent, servant and/or employee of United Parcel Service and/or Fictitious Defendant "A" through "E" and was acting with the line and scope of his/her employment with Defendant, United Parcel Service and/or Fictitious Parties "A" through "E".

7. When Fictitious Party "F" arrived at the construction site on or about the last week of September, 2018 the Plaintiff, Darrell Bice, was present, however neither the building contractor nor any of the contractor's employees were present at the construction site.

8. Upon his arrival at the construction site, Fictitious Party "F" asked that the

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Plaintiff, Darrell Bice, assist him in unloading the doors.

9. The Plaintiff, Darrell Bice, agreed to assist Fictitious Party "F", and to that end Plaintiff, Darrell Bice, climbed into the trailer where the doors were located.

10. Almost immediately after Plaintiff, Darrell Bice, climbed into the trailer, Fictitious Party "F", negligently and/or wantonly shifted the stack of doors toward the rear of the trailer causing the stack of doors to strike Plaintiff, Darrell Bice, which caused Plaintiff, Darrell Bice, to fall from the trailer.

11. As a direct and proximate result of being struck by the stacked doors and falling to the ground, the Plaintiff, Darrell Bice, was caused to suffer the following damages:

- (a) Plaintiff suffered injuries to his left shoulder and other portions of his body;
- (b) Plaintiff suffered substantial pain and will in the future continue to suffer physical pain;
- (c) Plaintiff has suffered mental anguish and emotional distress, and continues to suffer mental anguish and will continue to suffer mental anguish and emotional distress in the future;
- (d) Plaintiff has incurred medical expenses for the treatment of his injuries;
- (e) Plaintiff will continue to incur medical bills in the future.

WHEREFORE, premises considered, Plaintiff hereby demands judgment against Defendants, United Parcel Service, and/or Fictitious Parties "A" through "E" and Fictitious Parties "F" through "G" for compensatory and punitive damages, in an amount to be determined by the trier-of-fact plus interest and costs.

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COUNT II

NEGLIGENCE AND/OR WANTONNESS AGAINST FICTITIOUS DEFENDANTS "F" THROUGH "G"

12. The Plaintiff re-alleges and incorporates herein paragraphs one through eleven as if set out herein verbatim.

13. On or about the last week of September, 2018, Plaintiff was on his property in Jacksonville, Calhoun County, Alabama when Fictitious Parties "F" through "G", who was an agent servant and/or employee of Defendant, United Parcel Service and/or Fictitious Parties "A" through "E" and who was acting within the line and scope of said employment, caused or allowed a stack of doors to strike Plaintiff, causing him to fall from the delivery trailer to the ground.

14. As a direct and proximate result of being struck by the stack of doors and falling to the ground, the Plaintiff was cause to suffer the following damages:

- (a) Plaintiff suffered injuries to his left shoulder and other portions of his body;
- (b) Plaintiff suffered substantial pain and will in the future continue to suffer physical pain;
- (c) Plaintiff has suffered mental anguish and emotional distress, and continues to suffer mental anguish and will continue to suffer mental anguish and emotional distress in the future;
- (d) Plaintiff has incurred medical expenses for the treatment of his injuries;

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(e) Plaintiff will continue to incur medical bills in the future.

WHEREFORE, premises considered, Plaintiff hereby demands judgment against all Defendants, both real and fictitious, for compensatory and punitive damages in an amount to be determined by the trier-of-fact plus interest and costs.

COUNT III

RESPONDEAT SUPERIOR

15. The Plaintiff re-alleges and incorporates herein paragraphs one through fourteen as if set out herein verbatim.

16. At the time of the occurrence forming the basis of this lawsuit Fictitious Parties "F" through "G" was an agent, servant, and/or employee of Defendant, United Parcel Service, and or Fictitious Parties "A" through "E" and was acting within the line and scope of his/her employment with Defendant, United Parcel Service, and/or Fictitious Parties "A" through "E". As a result of the foregoing, Defendant, United Parcel Service, and/or Fictitious Parties "A" through "E" are vicariously liable to Plaintiff for the negligence and/or wantonness of Fictitious Parties "'F" through "H" that proximately caused the injuries and damages to the Plaintiff as described above.

WHEREFORE, premises considered, Plaintiff hereby demands judgment against all Defendants, both real and fictitious, for compensatory and punitive damages in an amount to be determined by the trier-of-fact plus interest and costs.

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COUNT IV

NEGLIGENT HIRING, TRAINING, AND/OR SUPERVISION

17. The Plaintiff re-alleges and incorporates herein paragraphs one through sixteen as if set out herein verbatim.

18. At all times relevant to this Complaint the Defendant, United Parcel Service, and/or Fictitious Parties "A" through "E" had a duty to exercise due and proper diligence in their effort to hire, train, and/or supervise competent employees.

19. The Defendant, United Parcel Service, and/or Fictitious Parties "A" through "E" negligently and/or recklessly breached their duties by failing to exercise due and proper diligence in hiring, training, and/or supervising competent employees, including but not limited to Fictitious Parties "F" through "H".

20. As a proximate result of the Defendant's, United Parcel Service, and/or Fictitious Parties "A" through "E" conduct, the Plaintiff was caused to suffer damages set out in Counts One, Two and Three of this Complaint as a result of the negligence and/or wantonness of United Parcel Service and/or Fictitious Parties "A" through "E".

WHEREFORE, premises considered, Plaintiff hereby demands judgment against all Defendants, both real and fictitious, for compensatory and punitive damages in an amount to be determined by the trier-of-fact plus interest and costs.

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Respectfully submitted,

/s/ Thomas W. Harmon
THOMAS W. HARMON (HAR088)
Attorney for Plaintiff

OF COUNSEL:

BROOKS, HARMON & JOHNSTON, LLC
Post Office Box 67
Anniston, Alabama 36202
harmoni@bellsouth.net

**TO THE CLERK: PLEASE SERVE THE DEFENDANT, VIA CERTIFIED MAIL WITH A
COPY OF THE COMPLAINT AT:**

**C/O CORPORATION SERVICE COMPANY INC
641 SOUTH LAWRENCE STREET
MONTGOMERY, AL 36104**

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 11-CV-2020-900459.00
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IN THE CIRCUIT COURT OF CALHOUN COUNTY, ALABAMA
DARRELL BICE V. UNITED PARCEL SERVICE, INC

NOTICE TO: UNITED PARCEL SERVICE, INC, 641 SOUTH LAWRENCE ST, MONTGOMERY, AL 36104

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),
 THOMAS W HARMON

(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: P. O. BOX 67, ANNISTON, AL 36202

(Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of DARRELL BICE

(Name(s))

pursuant to the Alabama Rules of the Civil Procedure.

09/03/2020
(Date)

/s/ KIM MCCARSON
(Signature of Clerk)

By: _____
(Name)

☒ Certified Mail is hereby requested. /s/ THOMAS W HARMON

(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on _____

(Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____

(Name of Person Served)

in _____
(Name of County)

County,

Alabama on _____

(Date)

(Type of Process Server)

(Server's Signature)

(Address of Server)

(Server's Printed Name)

(Phone Number of Server)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

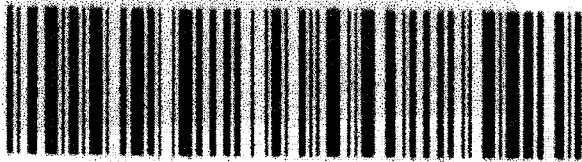
1. Article Addressed to:

11-CV-2020-900459

UNITED PARCEL SERVICE, INC

641 SOUTH LAWRENCE ST

MONTGOMERY, AL 36104 Doc1



9590 9402 4155 8092 2501 93

2. Article Number (Transfer from service label)

7019 2970 0001 9834 8879

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

[Signature]

9-9-20

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

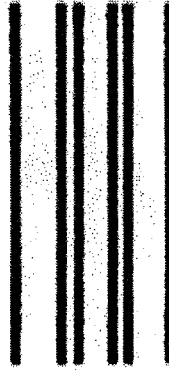
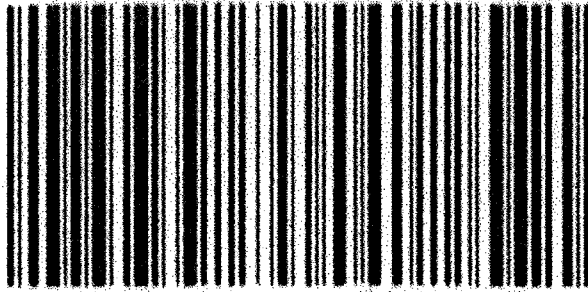
☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☒ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☒ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Mail

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USPS TRACKING#



First-Class Mail
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Permit No. G-10

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Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Kim McCarson
Circuit Clerk of Calhoun County
300 Calhoun County Courthouse
25 West 11th Street
Anniston, AL 36201

